

*BEST COPY
Available*

State Department review completed

6/17/98

NSC BRIEFING

14 January 1979

CONFIDENTIAL

RELEASE OF KOREAN
PRISONERS ON 20 JANUARY

- I. The decision to release the prisoners starting 20 January was not unexpected.
 - A. Krishna Menon told Ambassador Allen on 9 January that India was considering this course.
 - B. He stated that India was concerned over the possibility of bloodshed if all the POWs were not out of the camps by 23 January.
- II. While this is undoubtedly an important consideration, political factors were involved.
 - A. Communist China was putting great pressure on India to hold the prisoners.

FILE COPY

DOCUMENT NO. 17
NO CHANGE IN CLASS. ☐
☐ DECLASSIFIED
CLASS. CHANGED TO: TS S C/M
REVIEW DATE: 3/84

State Department
review completed

CONFIDENTIAL

~~SECRET~~

- B. Krishna Menon said that Chou En Lai's anger over the end of the explanation was nothing compared to his anger over the proposed prisoner release.
- C. In a further effort to placate the Communists, India will probably request that the UK hold the prisoners until the political conference is convened.
- iii. India can now avoid the responsibility for the release, leaving the decision up to the detaining side.
 - A. It enables India to appear not to have violated literally the terms of the armistice.
 - B. It will enable India to avoid a decision on the legal act envisaged by the armistice - declaring the prisoners reverted to civilian status.

~~SECRET~~

~~SECRET~~

C. India had indicated over a month ago that it could not vote for this declaration so long as the 30-day discussion in the political conference did not take place.

D. The Czechs and Poles would have walked out on this vote anyway, and the Indians felt a unanimous vote was essential on this question.

IV. From a strictly legal viewpoint, accepting the prisoners prior to 23 January 1970 was a party to a violation.

A. However, Kason suggested that this could be considered a purely mechanical device to assure all the POWs were in by the 23rd.

B. Legally, the POWs will remain in a technical prisoner-of-war status for the rest of their lives. This is a

great inconvenience, however.

~~SECRET~~

Communists will put strong pressure on the Indians including threats to get them change their decision.

- A. They will allege that India was forced into this "illegal" decision by the US.
- B. They will probably refuse to accept their own POAs.
- C. There is no indication they will use force to prevent the release.



VI. Despite the unfortunate decision, the decision will go a long way to help the Indians and the people of India.